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S/S # 8119613 & 8118575

Date August 13, 1981

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

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FOR: Mr. Richard V. Allen
National Security Council
The White House

REFERENCE:

TO: President FROM: Paul Findley

DATE: 6/12/81 SUBJECT: delay shipment of F-16

WHITE HOUSE REFERRAL DATED: 6/29/81 NSC #8103907 (if any)

____ THE ATTACHED ITEM WAS SENT DIRECTLY TO THE DEPARTMENT OF STATE

ACTION TAKEN:

____ A draft reply is attached.

____ A draft reply will be forwarded.

____ A translation is attached.

XX An information copy of a direct reply is attached.

____ We believe no response is necessary for the reason cited below.

____ Other.

REMARKS:

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY WRB DATE 1-18-84

RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORS☑ EXISTING MARKINGS ☐
DECLASSIFIED☑ RELEASABLE☑
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Joseph L. Bremer, III
L. Paul Bremer, III
Executive Secretary

Drafted:NEA/IAI:ECubbison:kbm/mgk
8/7/81 x23672

Nos. 8119613, 8119613, 8118575

Clearances:PM/RSA:RHaass
L/PM:MMatheson
NEA/ARN:JCollins
C:DHaendel
R:RPerito
NEA/IAI:WKirby
H:SEscadero
NEA:MDraper
T:RAherne
OES/NEP:JSalmon

DEPARTMENT OF STATE

Washington, D.C. 20520

1331

Dear Mr. Findley:

The White House has asked that I respond to your letter of June 12 to the President, regarding the Israeli attack on Iraq's nuclear facility. I am also writing in response to your letter of June 9 to the Secretary on the same subject. I regret the delay in this reply, but as you are aware, we have been responding to a rapidly changing situation in the Middle East in recent weeks.

As you know, the original suspension of delivery of four F-16's was ordered by the President on June 10, following the June 7 Israeli attack on Iraq's nuclear facility. Secretary Haig sent a report to Congress on the same day, pursuant to provisions of the Arms Export Control Act, advising that a substantial violation of the terms of the 1952 U.S.-Israel Mutual Defense Assistance Agreement may have occurred as a result of Israel's use of U.S. supplied equipment in the raid. The Act does not require any further action of the President upon making such a report, but leaves further determinations and actions to the discretion of the President. The Congress may also take further action on its own.

We have held extensive consultations with several committees of the Congress on this issue. We also have discussed the issue in depth with the Government of Israel, including a full discussion on July 13 between Counselor McFarlane and Prime Minister Begin.

Regarding former Defense Minister Weizman's statement to you in August, 1979 regarding Israeli consultation before use of U.S. equipment in preemptive strikes, Mr. Weizman has said on several occasions that he was not thereby making any formal commitment on behalf of the the Government of Israel. Since Mr. Weizman subsequently resigned from the

The Honorable
Paul Findley,
House of Representatives.

Government of Israel and since a new government has been formed following the June 30 elections, we cannot expect in any case the new Government to feel itself bound by Mr. Weizman's statements made in 1979.

It is clearly in our national security interest to prevent any additional country from developing nuclear explosives. This objective continues to occupy a high priority in our discussions with our friends and allies. The U.S. has consistently worked to get all nations to adhere to the Nuclear Non-Proliferation Treaty (NPT), and has raised the desirability of adherence to the NPT with Israel on appropriate occasions. Although Israel has supported the U.N. Resolution calling for creation of a Middle East Nuclear Weapons-Free Zone, it has thus far declined to accept International Atomic Energy Agency inspections of all of its nuclear facilities on grounds of security, and consequently has not signed the NPT. Israel's refusal to sign the NPT precludes nuclear cooperation between the U.S. and Israel.

The United States does not believe that force can provide the answer to international disputes. Our condemnation of Israel's action was intended to give clear expression to this view. At the same time, while we cannot accept Israel's recourse to military action in the attack on Iraq's nuclear facility, we are fully aware of the unique geographical and political aspects of Israel's situation that make these questions particularly difficult.

As our review of the U.S. equipment issue neared completion, an escalation of the cycle of violence in Lebanon developed, including Israeli air attacks on Beirut and Palestinian rocket attacks on towns in northern Israel. We have expressed our deep concern over this escalation, and have deplored all acts of violence. We are especially concerned by heavy civilian casualities in Lebanon, as well as the civilian deaths and injuries that have occurred in Israel.

In this general atmosphere of increased violence and tension in the region, the President decided in Ottawa on July 20 to continue the suspension of the four F-16's and also to suspend the delivery of six additional F-16's that was scheduled for July 21.

We are pleased by the July 24 announcement of a cessation of military action across the Israel-Lebanon border. In the coming weeks we will continue our efforts to consolidate and

build upon this important development. The Department is presently examining all aspects of the situation, including the circumstances and consequences of the violence that has taken place, as well as its implications. The question of the F-16 aircraft and the use by Israel of U.S.-supplied equipment are important aspects of our examination. We will continue to keep the Congress informed of our progress towards a resolution of this question.

I apologize again for the delay in our response to your letters, and hope this information is useful.

Yours sincerely,

Richard Fairbanks
Assistant Secretary for
Congressional Affairs

PAUL FINDLEY

P810087-2197

Congress of the United States
House of Representatives
Washington, D.C. 20515

8118575

June 9, 1980

SD S
ACTION
is assigned to
NEA

The Honorable Alexander Haig
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

Israel's use of U.S.-supplied aircraft to bomb the Iraqi nuclear facility was irresponsible and intolerable. I commend you for your immediate condemnation of the attack and your swift announcement that Israel "may have violated" U.S. law.

It is my understanding that a report will be sent to Congress within the next few days. By the time it is prepared, I trust that the facts will be sufficiently clear to warrant a finding that a violation of the law did occur, thus dropping the uncertainty and ambiguity surrounding the use of the word "may". However, a public condemnation and declaration of illegality are not enough. Given the Israeli record, this will not preclude repetition of such incidents in the future. There remains the possibility that Israel may destroy the SAM missiles in central Lebanon. Therefore, I urge you to take specific steps, without delay, to demonstrate to Israel that its special relationship with the United States does not carry the privilege of ignoring U.S. law.

Specifically, I urge you to insist upon formal procedures to guarantee advance consultation with the U.S. concerning any future preemptive Israeli strikes beyond its borders using U.S.-supplied military equipment. When Ezer Weizman, then Israeli defense minister, met with the House Foreign Affairs Committee in 1979, he promised prior consultation in such circumstances. Unfortunately, the previous Administration failed to establish a mechanism for such consultation and, as a result, none has occurred. Had consultation taken place on the various incidents involving U.S.-supplied equipment during recent months, I have no doubt that this violation of U.S. law would have been avoided. Because the previous Administration failed to implement this procedure, the Middle East has moved closer to the brink of war.

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Sincerely,

Paul Findley

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Moreover, as part of the Administration's effort to enhance stability in the Middle East, I would urge you to redouble your efforts to stem nuclear spread in the volatile Middle East. Nuclear weapons capability is an invitation to instability, whether it is in the hands of Iraq or Israel. Therefore, I would urge you to open talks with other nuclear supplier states and with France and Italy in particular to initiate cooperation to prohibit the future transfer of sensitive nuclear technology to any state in the region. And I would stress the importance of convincing Israel that it is in its own best interests to sign the Nuclear Non-Proliferation Treaty and to forswear the development of a nuclear weapons capability.

Thank you for your consideration.

Sincerely,

Paul Findley
Representative in Congress

ID 8103907 NATIONAL SECURITY COUNCIL PAGE 001

REFERRAL DATE: 29 JUN 81

MEMORANDUM FOR: STATE SECRETARIAT

DEPARTMENT OF STATE

S119613

DOCUMENT DESCRIPTION: TO: PRES

SOURCE: FINDLEY, PAUL

DATE: 12 JUN 81

KEYWORDS: ISRAEL IRAQ

FMS CO

SUBJ: SUPPORTS PRES DECISION TO DELAY SHIPMENT OF F-16 AIRCRAFT TO ISRAEL

REQUIRED ACTION: DIRECT REPLY FURNISH INFO COPY

DUEDATE: 07 JUL 81

COMMENTS:

FOR ALLEN J LENZ

STAFF DIRECTOR

FOR NSC USE ONLY

FOR INFO KEMP KIMMITT SCHWEITZER F WH O MB C MB

Received in S/S-I
6/30 at 10:00 A.M.

8119613

June 23, 1981

Dear Paul:

The President has asked me to thank you for your June 12 letter expressing support for the decision to delay shipment of the F-16 aircraft to Israel pending a further review of the attack on the Iraqi nuclear facility. In your letter, you also set forth a series of recommendations for safeguards regarding the use of U.S.-supplied military equipment beyond Israel's borders.

You may be assured that we appreciated the timely presentation of your views on these matters. I have taken the liberty of sharing your correspondence with the President's national security advisers so that they may provide a more extensive review of your comments and suggestions. I am certain that your detailed assessment will receive most careful study and attention.

Again, many thanks for your help and support in addressing this serious issue.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf
Assistant to the President

The Honorable Paul Findley
House of Representatives
Washington, D.C. 20515

MLF:CMP:asr

cc: w/copy of incoming, NSC Secretariat - for DIRECT repsonse.
(Please forward copy of response to Charlie Ponticelli, Legislative Affairs.)

WHITE HOUSE RECORDS MANAGEMENT HAS RETAINED ORIGINAL INCOMING.

PAUL FINDLEY
20TH DISTRICT, ILLINOIS

COMMITTEES
FOREIGN AFFAIRS
AGRICULTURE

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 12, 1981

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

028567

Dear Mr. President:

I commend you for your courageous decision to delay shipment of the F-16 aircraft to Israel pending a further review of the attack on the Iraqi nuclear facility. This is an excellent first step. Not since President Eisenhower forced the evacuation of the Suez Canal and the Sinai in 1957 has any President acted so decidedly in our own national interest to restrain Israeli actions.

The next step is critical, but I believe there is a way out that does not compromise the prestige of any of the parties--Israeli, Arab, or American.

On August 6, 1979 Secretary of State Vance sent to Capitol Hill a finding similar to your own that Israel "may have violated U.S. law," in that instance by using F-15s to shoot down Syrian MIGs over Lebanon. Then, as now, public concern over the continued Israeli attacks and their implications for peace in the Middle East was high.

In the wake of this public clamor, on September 17,1979 Prime Minister Begin's Defense Minister, Ezer Weizman, met with the members of the House Foreign Affairs Committee on Capitol Hill. In response to criticism of Israel's use of U.S.-supplied weapons in violation of the Arms Export Control Act, Minister Weizman promised that "if Israel in the future should find it necessary to use U.S.-supplied military equipment in any preemptive strikes it would first talk with the United States." Mr. Weizman confirmed the statement in a State Department press conference the next day.

This pledge could have represented a significant and gratifying change in Israel's military policy. Unfortunately, the Carter Administration failed to act upon it, and a golden opportunity for peace was allowed to slip through our fingers.

Yet it is not too late for you to act upon the offer of prior consultation. While Mr. Weizman is no longer in the government, the commitment was in behalf of the Begin administration.

First, I recommend that our government insist that there be prior consultation on all uses of U.S.-supplied military equipment beyond Israel's borders. Such consultation should occur as soon as the use is first contemplated by the Israelis.

Consultation would not give the U.S. the right of veto. But it would ensure that the U.S. viewpoint would be known and evaluated as decisions are made.

Second, as an integral part of those consultations, our government should insist on a mutually acceptable definition of what constitutes "legitimate self-defense," which is the primary justification for Israeli use of U.S.-supplied weapons beyond its own borders. Obviously, the imprecision of this term has caused grave misunderstandings fraught with peril for Israel, the Arabs, and the United States. It has greatly impaired our own credibility and position in the Middle East.

Third, our government should make it clear to Israel that we will be more vigilant in the enforcement of the provisions of the Arms Export Control Act. Our government this year has seldom questioned Israel concerning its use of U.S.-supplied equipment, despite the fact that the legality of this use was open to serious question on at least three occasions in the last three months.

If the United States can secure and enforce a more precise definition of "legitimate self-defense" and Israel will agree to consult with the United States before it uses U.S.-supplied weapons outside its borders, repetition of the tragic incident of last weekend will be unlikely.

This Administration is committed to working out a strategic consensus in the Middle East which would assign an important role to Israel. In order to make this consensus workable it is important for the United States and Israel to fashion a mutual understanding of their strategic needs and objectives.

Israeli use of U.S.-supplied arms which violates U.S. law and our concept of what Israel must legitimately do to assure its defense will only undermine the possibility for a strategic consensus so important to U.S. interests.

Sincerely,

Paul

Paul Findley
Representative in Congress